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BAKER, Chief Judge

Appellant-defendant Scott Bryant appeals his conviction for Criminal Trespass,¹ a class A misdemeanor, challenging the sufficiency of the evidence. Specifically, Bryant contends that his conviction must be reversed because the State failed to show that he had the intent to commit the offense. Bryant argues that he was acting “in a good faith belief that he was on public property.” Appellant’s Br. p. 6. Concluding that the evidence was sufficient to support Bryant’s conviction, we affirm the judgment of the trial court.

FACTS

On March 11, 2008, Robert Evans, the security supervisor at the Marion County Public Library (Library), received a report from another security officer that there were several individuals involved in an altercation on the Library’s front steps. When Evans arrived at the scene, he observed Bryant and two other individuals arguing and yelling at each other. Evans separated the parties and radioed for police assistance.

Officer Greg Weber of the Indianapolis Metropolitan Police Department arrived at the scene and began to interview two of the individuals who were involved in the altercation. At some point, Bryant approached and continued to yell and argue. At that point, Officer Weber instructed Bryant to step away.

Officer Weber then asked Evans how he wanted to proceed. Evans decided to issue everyone involved a “warning notice,” which was a standard procedure for disturbances that occurred at the Library. Tr. p. 9, 26. Evans then told Bryant to leave the premises and instructed him to complete a warning notice form. Evans explained to Bryant that he would be banned from the property if he did not sign the form. When

¹ Ind. Code § 35-43-2-2.

Bryant refused to execute the notice, Evans told Officer Weber that he wanted Bryant removed from the property. In response, Officer Weber told Bryant to leave and instructed him that he would be arrested for trespass if he refused to leave. As Bryant began to walk down the stairs, he stopped and asked Officer Weber to speak with an individual he had called on his cell phone. Officer Weber declined and again told Bryant to leave the premises. Bryant walked to the sidewalk adjacent to the building, but stepped back on to the “skirting”² of the library. *Id.* at 28. As a result, Officer Weber arrested Bryant for trespass.

Following a bench trial on July 29, 2008, Bryant was found guilty as charged. Bryant was subsequently sentenced and he now appeals.

DISCUSSION AND DECISION

In addressing Bryant’s challenge to the sufficiency of the evidence, we neither reweigh the evidence nor judge the credibility of the witnesses. *Gentry v. State*, 835 N.E.2d 569, 572 (Ind. Ct. App. 2005). Rather, we consider the evidence most favorable to the judgment and the reasonable inferences that can be drawn therefrom. *Id.* Where there is substantial evidence of probative value to support the trial court’s judgment, it will not be disturbed. *Id.* The weight and credit afforded a witness’s testimony and the resolution of conflicts between their testimony and the inconsistencies within their own testimony is exclusively the function of the fact finder and one with which this court will not interfere. *Ryle v. State*, 549 N.E.2d 81, 83 (Ind. Ct. App. 1990).

² Officer Weber described the Library’s “skirting” as “an area that’s adjacent to something, as in sidewalk is adjacent to the public property of the library. So there’s an area that extends to the library. I guess I’d call that the skirting, the area around.” Tr. p. 36.

To convict an individual of trespass, the State must prove that the defendant: (1) not having a contractual interest in the property; (2) knowingly or intentionally; (3) refused to leave the real property of another person; (4) after having been asked to leave by the other person or that person's agent. I.C. § 35-43-2-2. The trespass statute also provides that "a person has been denied entry . . . when the person has been denied entry by means of . . . personal communication, oral or written. . . ." I.C. § 35-43-2-2(b)(1). Although a person's belief that he or she has the right to be on property of another may be a defense to trespass, the individual must have a fair and reasonable foundation for that belief. Olsen v. State, 663 N.E.2d 1194, 1196 (Ind. Ct. App. App. 1996). That issue is for the trier of fact to resolve. Myers v. State, 190 Ind. 269, 130 N.E. 116, 117 (1921).

In this case, Bryant argues that because he thought the "skirting" along the library was public property, he did not intend to commit trespass. Appellant's Br. p. 6. Notwithstanding this contention, the evidence established that Evans told Bryant to leave the property and that he would be banned from the premises if he did not complete the warning notice. Tr. p. 9-10, 26. Bryant knew that that the steps were on the Library's property, but he remained there even after Officer Weber asked him to leave. Id. at 27-28. Additionally, although Bryant walked down the stairs after being asked to leave, he stepped back on to the "skirting" of the premises after he was again asked to leave. Id. at 27-28.

In light of these circumstances, it was reasonable for the trial court—as the fact finder—to conclude that Bryant intentionally refused to leave the Library's property after being asked to do so by an agent of the property. Thus, we reject Bryant's claim that he

lacked the intent to commit the offense and conclude that the evidence was sufficient to support Bryant's conviction for trespass.

The judgment of the trial court is affirmed.

NAJAM, J., and KIRSCH, J., concur.